

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

FEDERAL TRADE COMMISSION

Plaintiff,

V.

Case No. 2:24-CV-4949

EMPIRE HOLDINGS GROUP LLC,
d/b/a ECOMMERCE EMPIRE BUILDERS
and STOREFUNNELS.NET, a limited liability
company, and PETER PRUSINOWSKI
Individually and as officer of
Empire Holdings Group LLC,

Defendants.

DEFENDANTS' EMERGENCY MOTION TO AMEND TRO ORDER

Defendants Empire Holdings Group LLC d/b/a E-Commerce Empire Builders and Storefunnels.net and Peter Prusinowski, by counsel, move pursuant to Fed.R.Civ.P. 60(b)(1) and (b)(6) to amend the Court's September 20, 2024 Temporary Restraining Order (ECF No. 19) to remove the asset freeze, limit the Receiver's authority consistent with this, and provide that Defendants can conduct targeted, expedited discovery in advance of the preliminary injunction hearing. As explained more fully in the accompanying memorandum of law, this relief is required so that the Court does not perpetuate an error of law in light of *AMG Capital Management v. FTC*, 593 U.S. 67 (2021) and so that Defendants are afforded due process. A proposed order is attached.

Date: September 25, 2024

Respectfully submitted,

/s/ Clair E. Wischusen

Clair E. Wischusen (Bar No. 306752)

Ryan Poteet (*pro hac vice*)

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Empire Holdings Group LLC and
Peter Prusinowski*

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 25th day of September 2024, a true and accurate copy of the foregoing Defendants' Emergency Motion to Amend TRO Order was electronically filed via the Court's ECF system, and was thereby served upon all counsel of record.

By: /s/ Clair E. Wischusen
Clair E. Wischusen